

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Garrick Maenle et al.

Serial No.: 10/008,379

Filed: November 5, 2001

For: CYTOLOGICAL AUTOFOCUSING
IMAGING SYSTEMS AND METHODS

Group Art Unit: 2872

Confirmation No.: 4705

Examiner: Lee A. Fineman

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies of other cited references and documents are enclosed.

Applicant would like to bring to the attention of the Examiner that PCT Application No. PCT/US01/46810, European Patent Application No. 01989956.6, Australian Patent Application No.2002228837, and Japanese Patent Application No. 2005-539859, are related applications and claim subject matter that is similar to the subject matter claimed in the above-identified application.

CERTIFICATE OF TRANSMITTAL

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO-EFS-Web filing system.

10/31/07

Date of deposit


Jocelyn L. Lee

In accordance with 37 CFR § 1.98 (a) (3) (i), items 1-5 of the cited references on the attached form PTO/SB/08A are in Japanese language. Corresponding English language abstract and translations obtained from the Japanese Patent Office website computer translator (items 1-5) are also included with these respective references. Item 6 of the cited reference on the attached form PTO/SB/08A is in Japanese language with a translation provided by the Japanese associate.

Of those individuals designated under 37 CFR §1.56 (c), the undersigned is most knowledgeable about the content of items 1-3, 5, and 18-21 is not aware of any particular relevance of such items, beyond what can be gleaned from the English abstracts and drawings (item 1), and computer translations (items 2 and 3) and foreign associate translations (items 20-23). The undersigned has not obtained an English translation of item 5; however, it is believed that item 6 is a corresponding English language version of items 1 and 5.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
 - The fee due under 37 CFR § 1.17(p) is submitted herewith.
 - A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- A check in the amount of _____ is enclosed for the above fee(s).
- Fee(s) due under 37 CFR § 1.17(p) in the amount of \$0.00 is paid via EFS Web.
- Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Vista IP Law Group LLP Deposit Account No. **50-1105**.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: October 30, 2007

By:



Michael J. Bolan
Reg. No. 42,339

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